

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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**FRANCES CHAN,**

**Plaintiff,**

**v.**

**BARBOUR, INC.,**

**Defendant.**

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**CIVIL ACTION NO. 16-5688**

**ORDER**

**AND NOW**, this 12th day of July 2017, upon consideration of Defendant Barbour, Inc.'s Motion to Partially Dismiss and to Strike All References to and Attempted Claims for Failure to Promote, and the response and reply thereto, and for the reasons stated in the accompanying Opinion, it is hereby **ORDERED** as follows:

1. The Motion to Partially Dismiss and to Strike [Doc. No. 5], filed in response to the Complaint, is **DISMISSED AS MOOT**.
2. The Motion to Partially Dismiss and to Strike [Doc. No. 7], filed in response to the Amended Complaint, is **GRANTED IN PART AND DENIED IN PART** as outlined in the accompanying Memorandum, pursuant to which Plaintiff may file a second amended complaint no later than **July 26, 2017**.
3. If Plaintiff does not file a second amended complaint by July 26, 2017, Defendant shall file an Answer to the Amended Complaint no later than **August 16, 2017**.

**IT IS SO ORDERED.**

**BY THE COURT:**

/s/ Cynthia M. Rufe

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**CYNTHIA M. RUFE, J.**